

The Honorable John C. Coughenour
The Honorable Marsha J. Pechman
The Honorable James L. Robart
Noted for Hearing: September 7, 2007
Without Oral Argument

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LUIS TORRES, individually and on behalf of all)
others similarly situated,)

Plaintiff,)

v.)

MICROSOFT CORPORATION, a Washington)
corporation,)

Defendant.)

No. C07-1121 JCC

ORDER (PROPOSED)
GRANTING PLAINTIFFS' JOINT
MOTION TO CONSOLIDATE
RELATED CASES; APPOINT
INTERIM CLASS COUNSEL;
APPROVE PROPOSED
LEADERSHIP STRUCTURE;
AND SCHEDULE
CONSOLIDATED COMPLAINT

STEVE CARLIE, individually and on behalf of)
all others similarly situated,)

Plaintiff,)

v.)

MICROSOFT CORPORATION, a Washington)
corporation,)

Defendant.)

No. C07-1132 MJP

ORDER (PROPOSED) GRANTING PLAINTIFFS' JOINT MOTION
TO CONSOLIDATE, APPOINT INTERIM CLASS COUNSEL,
APPROVE PROPOSED LEADERSHIP STRUCTURE - 1

SEA 2075873v3 0025936-000726

Davis Wright Tremaine LLP
LAW OFFICES
Suite 2200 · 1201 Third Avenue
Seattle, Washington 98101-3045
(206) 622-3150 · Fax: (206) 757-7700

CHRISTINE MOSKOWITZ and DAVID
WOOD, individually and on behalf of all others
similarly situated,

Plaintiff,

v.

MICROSOFT CORPORATION, a Washington
corporation,

Defendant.

No. C07-1270 JCC

HEIDI LING, as parent and natural guardian of
ROBERT LING, III, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

MICROSOFT CORPORATION, a Washington
corporation,

Defendant.

No. C07-1271 JLR

JUSTIN HANSON, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

MICROSOFT CORPORATION, a Washington
corporation,

Defendant.

No. C07-1295 JLR

THIS MATTER having come on before the above-entitled Court and the Court
having reviewed the files and records herein and being fully apprised in the premises, now,
therefore,

ORDER (PROPOSED) GRANTING PLAINTIFFS' JOINT MOTION
TO CONSOLIDATE, APPOINT INTERIM CLASS COUNSEL,
APPROVE PROPOSED LEADERSHIP STRUCTURE - 2

SEA 2075873v3 0025936-000726

Davis Wright Tremaine LLP
LAW OFFICES
Suite 2200 · 1201 Third Avenue
Seattle, Washington 98101-3045
(206) 622-3150 · Fax: (206) 757-7700

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that there are five related putative class action lawsuits (the "Actions") presently pending before this Court:

Torres v. Microsoft Corp.	07-CV-1121	7/18/2007	Hon. John C. Coughenour
Carlie v. Microsoft Corp.	07-CV-1132	7/19/2007	Hon. Marsha J. Pechman
Moskowitz v. Microsoft Corp.	07-CV-1270	8/14/2007	Hon. John C. Coughenour
Ling v. Microsoft Corp.	07-CV-1271	8/14/2007	Hon. James L. Robart
Hanson v. Microsoft Corp.	07-CV-1295	08/20/2007	Hon. James L. Robart

Plaintiffs in all five of these putative class action lawsuits seek to represent substantially the same proposed class of people for essentially the same claims. The five putative class action lawsuits are based on similar factual allegations and are asserted against the same defendant, Microsoft Corporation. Through the present motion, the plaintiffs in these actions, Luis Torres, Steve Carlie, Christine Moskowitz, David Wood, Heidi Ling, and Justin Hanson (collectively, "Plaintiffs"), jointly seek to have their separate actions consolidated pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that

(1) The five causes of action listed above are hereby consolidated for all purposes pursuant to Federal Rules of Civil Procedure, Rule 42(a) under United States District Court Western District of Washington at Seattle Master Cause No. _____. Every pleading filed in the consolidated action shall bear only that cause number, and the files of these consolidated actions shall be maintained in one file under Master Cause No. _____;

ORDER (PROPOSED) GRANTING PLAINTIFFS' JOINT MOTION
TO CONSOLIDATE, APPOINT INTERIM CLASS COUNSEL,
APPROVE PROPOSED LEADERSHIP STRUCTURE - 3

SEA 2075873v3 0025936-000726

Davis Wright Tremaine LLP
LAW OFFICES
Suite 2200 · 1201 Third Avenue
Seattle, Washington 98101-3045
(206) 622-3150 · Fax: (206) 757-7700

(2) Without prejudging the propriety of class certification, the Court hereby appoints the following firms as interim class counsel pursuant to Federal Rules of Civil Procedure, Rule 23(g)(2):

- (a) Stritmatter Kessler Whelan Coluccio;
- (b) Chitwood, Harley, Haynes LLP
- (c) Wasserman, Comden & Casselman, LLP;
- (d) Keller Rohrback, L.L.P.;
- (e) Kabateck Brown Kellner LLP;
- (f) The Hodkin Kopelowitz Ostrow Firm, PA; and
- (g) Krause Kalfayan Benink & Slavens, LLP.

(3) The leadership structure proposed by Plaintiffs is hereby approved as follows:

Plaintiffs' Liaison Counsel

Stritmatter Kessler Whelan Coluccio;

Co-Lead Plaintiffs' Counsel

Chitwood Harley Harnes, LLP; and

Hodkin Kopelowitz Ostrow Firm, PA;

Executive Committee -

Stritmatter Kessler Whelan Coluccio;

Chitwood Harley Harnes, LLP;

Hodkin Kopelowitz Ostrow Firm, PA;

Kabateck Brown Kellner, LLP;

Keller Rohrback, LLP;

ORDER (PROPOSED) GRANTING PLAINTIFFS' JOINT MOTION
TO CONSOLIDATE, APPOINT INTERIM CLASS COUNSEL,
APPROVE PROPOSED LEADERSHIP STRUCTURE - 4

SEA 2075873v3 0025936-000726

Krause Kalfayan Benink and Slavens, LLP; and

Wasserman Comden & Casselman, LLC.

(4) Plaintiffs' Liaison Counsel shall be responsible for communications with Defendant's counsel, so that Defendant's counsel's communications to Plaintiffs' Liaison Counsel shall be deemed for all purposes as having been conveyed to all Plaintiffs' counsel listed in this Order.

(5) Any subsequently filed complaints asserting similar claims shall be consolidated herewith for all purposes and subject to this Order.

(6) Plaintiffs' Consolidated Complaint shall be filed and served no later than fourteen (14) days from the date the Court enters this Order.

(7) Defendant's response to Plaintiffs' Consolidated Complaint shall be filed no later than thirty (30) days after the filing and service of Plaintiffs' Consolidated Complaint.

DATED THIS ____ day of _____, 2007.

United States District Judge

Presented By:

DAVIS WRIGHT TREMAINE LLP
Counsel for Defendant Microsoft Corporation

By /s/Stephen M. Rummage
Stephen M. Rummage
Cassandra Kinkead

Of counsel:

Charles B. Casper
MONTGOMERY, McCRACKEN, WALKER & RHOADS, LLP

ORDER (PROPOSED) GRANTING PLAINTIFFS' JOINT MOTION
TO CONSOLIDATE, APPOINT INTERIM CLASS COUNSEL,
APPROVE PROPOSED LEADERSHIP STRUCTURE - 5

SEA 2075873v3 0025936-000726

Davis Wright Tremaine LLP
LAW OFFICES
Suite 2200 · 1201 Third Avenue
Seattle, Washington 98101-3045
(206) 622-3150 · Fax: (206) 757-7700

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2007, I presented the foregoing Order
(Proposed) Granting Plaintiffs' Joint Motion to Consolidate Related Cases; Appoint
Interim Class Counsel; Approve Proposed Leadership Structure; and Schedule
Consolidated Complaint to the Clerk of the Court for filing and uploading to the CM/ECF
system which will send notification of such filing to the following persons:

Paul L Stritmatter	pauls@stritmatter.com
Kevin Coluccio	kc@skwwc.com
Melissa M Harnett	mharnett@wcclaw.com
Mark Adam Griffin	mgriffin@kellerrohrback.com
Amy C. Williams-Derry:	awilliams-derry@kellerrohrback.com
Mark Adam Griffin:	mgriffin@kellerrohrback.com
Lynn Lincoln Sarko:	lsarko@kellerrohrback.com
Darren T Kaplan	dkaplan@chitwoodlaw.com ,
Ray W Kahler	ray@skwwc.com

DATED this 31st day of August, 2007.

Davis Wright Tremaine LLP
Attorneys for Defendant
Microsoft Corporation

By /s/ Stephen M. Rummage

Stephen M. Rummage, WSBA #11168
Davis Wright Tremaine LLP
Suite 2200
1201 Third Avenue
Seattle, Washington 98101-3045
Telephone: (206) 757-8136
Fax: (206) 757-7136
E-mail: steverummage@dwt.com

ORDER (PROPOSED) GRANTING PLAINTIFFS' JOINT MOTION
TO CONSOLIDATE, APPOINT INTERIM CLASS COUNSEL,
APPROVE PROPOSED LEADERSHIP STRUCTURE - 6

SEA 2075873v3 0025936-000726

Davis Wright Tremaine LLP
LAW OFFICES
Suite 2200 · 1201 Third Avenue
Seattle, Washington 98101-3045
(206) 622-3150 · Fax: (206) 757-7700